

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

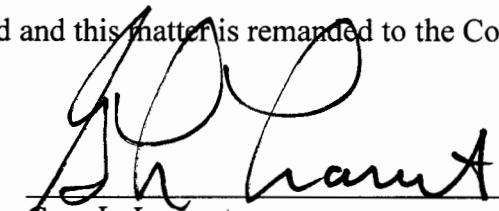
WILLIAM F. BINKERT, JR.,)
Plaintiff,)
vs.)
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.) Civil Action No. 05-1448

O R D E R

AND NOW, this 30th day of March, 2006, after the plaintiff, William F. Binkert, Jr., filed an action in the above-captioned case seeking review of the Social Security Commissioner's final determination terminating his receipt of disability insurance benefits, and after cross motions for summary judgment were submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's motion for summary judgment (Docket No. 9) is denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment or motion to remand (Docket No. 8) is granted and this matter is remanded to the Commissioner for further review.



Gary L. Lancaster
United States District Judge